Claim Amendments

Please amend the claims as follows. This listing of claims will replace all prior versions and listing of claims in the application.

1. (Currently Amended) A computer-implemented method ~~of guarantying a minimum cash flow for a business entity that holds at least one facility~~ for determining whether an option grantor is required to pay a business entity under a contract associated with and entered into prior to a look-back period and associated with one more facilities that ~~converts~~ convert a first commodity to a second commodity, comprising:

~~entering into, by the business entity, a contract with an option grantor, wherein the contract obligates the option grantor, in exchange for a contract premium paid by the business entity to the option grantor, to pay the business entity a payment after a look-back period, when the aggregate~~ at the end of the look-back period, calculating, by one or more computing devices that execute a series of software instructions stored on a computer readable medium, a strip value of one or more option strips, wherein each option strip comprises a plurality of options corresponding to the one or more facilities subject to the contract, wherein calculating the strip value comprises:

calculating an option value for each of the plurality of options ~~is below a predetermined value~~, ~~and~~ where the value of each option in the strip is based on a ~~spread~~ difference between ~~the~~ a price of the second commodity and ~~the~~ a cost of producing the second commodity from the first commodity, where the ~~price~~ prices of the second commodity ~~and cost~~ are ~~assessed~~ based on

price data for the second commodity ~~and cost information~~ over the look-back period, and the costs of producing the second commodity from the first commodity are based on cost data over the look-back period; and

calculating the strip value based on an aggregation of the calculated option values;

comparing, by the one or more computer devices, the strip value to a ~~determining, by a computer system, an amount of the payment after the look-back period when the aggregate value of the one or more strips of options corresponding to the one or more facilities subject to the contract is below the~~ predetermined value specified in the contract; and

based on the comparison, determining, by the one or more computer devices, if a payment is to be made by the option grantor based on whether the strip value is less than the predetermined value, and if so, determining, by the one or more computer devices, a payment amount, wherein the payment amount is based on a difference between the predetermined value and the strip value.

2. (Currently Amended) The method of claim 1, wherein the ~~aggregate~~ strip value ~~of one strip of options corresponding to one facility~~ is equal to the sum of all the option values ~~of each option in the strip for the facility~~.

3. (Currently Amended) The method of claim 1, wherein the ~~aggregate~~ strip value ~~of one strip of options corresponding to one facility~~ is related to the sum of all the option values ~~of each option in the strip for the facility~~.

4. (Currently Amended) The method of claim 1, wherein the price data over the look-back period ~~and cost information are price indices for the first and second commodity specified in the contract~~ is based on values of a price index associated with the second commodity over the look-back period, and the cost data over the look-back period is based on values of a price index associated with the first commodity over the look back period.

5. (Currently Amended) The method of claim 1, further comprising the one or more computing devices causing an electronic payment transfer corresponding to the payment amount ~~the business entity paying the premium to the option grantor with proceeds from a financing~~.

6. (Currently Amended) The method of claim [[5]] 1, wherein ~~the financing includes a debt offering~~ each option value is set to zero when the difference between the price of the second commodity and the costs of producing the second commodity from the first commodity is non-positive.

7. (Currently Amended) The method of claim 1, wherein the look-back period is a time period selected from the group consisting of six months and one year.

8. (Currently Amended) The method of claim 1, ~~further comprising entering into, by the business entity,~~ wherein a second contract with the option grantor ~~covering~~ covers a successive look-back period, and further comprising:

calculating, by the one or more computer devices, a second strip value of one or more option strips for the successive look-back period;

comparing, by the one or more computer devices, the second strip value to a second predetermined value for the successive look-back period;

based on the comparison, determining, by the one or more computer devices, if a second payment is to be made by the option grantor, and if so, determining a second payment amount, wherein the second payment amount is based on a difference between the second predetermined value and the second strip value.

9. (Currently Amended) The method of claim 1, further comprising determining, by the one or more computer devices, that a payment is to be made by the option grantor when the strip value is below the predetermined value ~~a third-party guarantor guarantying payment obligations of the option grantor under the contract~~.

10. (Currently Amended) ~~A method of guarantying a minimum cash flow for a business entity that holds a facility that converts a first commodity to a second commodity, comprising:~~ The method of claim 1, further comprising

~~entering into, by an option grantor, a contract with the business entity, wherein the contract obligates the option grantor to pay the business entity a payment when the aggregate value of one or more strips of options corresponding to one or more facilities~~

~~subject to the contract is below a predetermined value, and where the value of each option in the strip is based on a spread between price of the second commodity and the cost of producing the second commodity from the first commodity, and wherein the price and cost are assessed based on price and cost information over the look-back period; and~~

receiving, by the option grantor, a premium in exchange for entering into the contract.

11. (Original) The method of claim 10, further comprising a third-party guarantor guarantying payment obligations of the option grantor under the contract.

12. (Currently Amended) A system for determining whether an option grantor is required to pay a business entity under a contract associated with and entered into prior to a look-back period, and associated with one more facilities that convert a first commodity to a second commodity, the system comprising:

~~a~~ one or more computing ~~device~~ devices, wherein the one or more computing ~~device~~ devices comprises a computer readable medium for storing instructions, and wherein the one or more computing ~~device~~ devices, upon executing the instructions, ~~determines~~ determine whether ~~an~~ the option grantor is required to pay ~~a~~ the business entity a payment amount under ~~a~~ the contract by[[,]] : ~~wherein the business entity holds at least one facility that converts a first commodity to a second commodity, and wherein the contract obligates the option grantor, in exchange for a~~

~~contract premium paid by the business entity to the option grantor, to pay the business entity a payment after a look-back period, when the aggregate~~

at the end of the look-back period, calculating a strip value of one or more option strips, wherein each option strip comprises a plurality of options corresponding to the one or more facilities subject to the contract, wherein calculating the strip value comprises:

calculating an option value ~~of one or more strips~~ for each of the plurality ~~of options corresponding to one or more facilities subject to the contract is below a predetermined value~~, ~~and~~ where the value of each option in the strip is based on a ~~spread~~ difference between ~~the~~ a price of the second commodity and ~~the~~ a cost of producing the second commodity from the first commodity, where the ~~price and cost are assessed~~ prices of the second commodity are based on price data for the second commodity ~~and cost information~~ over the look-back period, and the costs of producing the second commodity from the first commodity are based on cost data over the look-back period; and

calculating the strip value based on an aggregation of the calculated option values;

comparing the strip value to a predetermined value specified in the contract; and

based on the comparison, determining if a payment is to be made by the option grantor based on whether the strip value is less than the predetermined value and, if so, determining the payment amount, wherein the payment amount is based on a difference between the predetermined value and the strip value.

13. (Currently Amended) The system of claim 12, wherein the ~~aggregate~~ strip value ~~of one of the strips of options corresponding to one facility~~ is equal to the sum of all the option values ~~of each option in the strip for that facility~~.

14. (Currently Amended) The system of claim 12, wherein the ~~aggregate~~ strip value ~~of one of the strips of options corresponding to one facility~~ is related to the sum of all the option values ~~of each option in the strip for that facility~~.

15. (Previously Presented) The system of claim 12, wherein the computing device is further used for computing the payment amount when it is determined that the option grantor is required to pay the business entity.

16. (Currently Amended) The system of claim 15, wherein the computing device is further used for electronically transferring the payment amount from an account of the option grantor to an account of the business entity when it is determined that the option grantor is required to pay the business entity.

17. (Currently Amended) A computer readable medium having stored thereon instructions which, when executed by a computing device, cause the computing device to:

determine whether an option grantor is required to pay a business entity a payment under a contract that is associated with and entered into prior to a look-back period

and that is associated with one or more facilities ~~, wherein the business entity holds at least one facility~~ that ~~converts~~ convert a first commodity to a second commodity by: ~~, and wherein the contract obligates the option grantor, in exchange for a contract premium paid by the business entity to the option grantor, to pay the business entity a payment after a look-back period, when the aggregate~~

at the end of the look-back period, calculating a strip value of one or more option strips, wherein each option strip comprises a plurality of options corresponding to the one or more facilities subject to the contract, wherein calculating the strip value comprises:

calculating an option value for each of the plurality of options ~~is below a predetermined value~~, ~~and~~ where the value of each option in the strip is based on a ~~spread~~ difference between ~~the~~ a price of the second commodity and ~~the~~ a cost of producing the second commodity from the first commodity, where the ~~price~~ prices of the second commodity ~~and cost~~ are ~~assessed~~ based on price data for the second commodity ~~and cost information~~ over the look-back period, and the costs of producing the second commodity from the first commodity are based on cost data over the look-back period; and

calculating the strip value based on an aggregation of the calculated option values;

comparing the strip value to a predetermined value specified in the contract; and

based on the comparison, determining if a payment is to be made by the option grantor based on whether the strip value is less than the predetermined value

and, if so, determining the payment amount, wherein the payment amount is based on a difference between the predetermined value and the strip value.

18. (Original) The computer readable medium of claim 17, having further stored thereon instructions which, when executed by the computing device, cause the computing device to:

compute the payment amount when it is determined that the option grantor is required to pay the business entity.

19. (Original) The computer readable medium of claim 18, having further stored thereon instructions which, when executed by the computing device, cause the computing device to:

electronically transfer the payment from an account of the option grantor to an account of the business entity when it is determined that the option grantor is required to pay the business entity.

20. (Currently Amended) A computer-implemented method ~~of guarantying a minimum cash flow for a business entity that holds at least one facility~~ for determining whether an offtaker is required to pay a business entity a payment under a physical offtake contract between the business entity and the offtaker, wherein the offtake contract is associated with and entered into prior to a look-back period, and associated with one or more facilities that ~~converts~~ convert a first commodity to a second commodity, the method comprising:

at the end of the look-back period, calculating, by one or more computing devices that execute a series of instructions stored on a computer readable medium, a sum of offtake payments made by the offtaker under the offtake contract for output of the second commodity provided by the business entity to the offtaker under the offtake contract during the look-back period, wherein the offtake payments are ~~entering into, by the business entity, an offtake contract with an offtaker, wherein the offtake contract obligates the offtaker to pay the business entity for output of the second commodity~~ based on at least one of a spot market price for the second commodity and an index price for the second commodity;

comparing, by the one or more computing devices, the sum of the offtake payments to ~~entering into, by the business entity, a contract with an option grantor, wherein the contract obligates the option grantor, in exchange for a contract premium paid by the business entity to the option grantor, to pay the business entity a payment when the sum of payments from the offtaker to the business entity is below~~ a predetermined value ~~over a look-back period~~ specified in the offtake contract; and

based on the comparison, determining, by ~~a computer system~~ the one or more computing devices, if a payment is to be made by the offtaker based on whether the sum of the offtake payments is less than the predetermined value and, if so, determining, by the one or more computing devices, ~~an~~ a payment amount ~~of the payment after the look-back period when the sum of payments from the offtaker to the business entity is below a predetermined value over a look-back period~~, wherein the payment amount is based on a difference between the sum of the offtake payments and the predetermined value.

21. (Original) The method of claim 20, wherein the offtake contract obligates the offtaker to pay the business entity for output of the second commodity based on a function of the price of the first and second commodities.

22. (New) The system of claim 12, wherein the price data over the look-back period is based on values of a price index associated with the second commodity over the look-back period, and the cost data over the look-back period is based on values of a price index associated with the first commodity over the look back period.

23. (New) The computer readable medium of claim 17, wherein the price data over the look-back period is based on values of a price index associated with the second commodity over the look-back period, and the cost data over the look-back period is based on values of a price index associated with the first commodity over the look back period.